REMARKS

The following remarks are in response to the Examiner's Advisory Action dated August 16, 2000 (paper number 13) of Application Serial No. 09/046,784.

Claims 1-23 are pending in the present patent application. The Examiner has rejected claims 1-23. Applicant has amended claims 1, 7, 12, 17, and 23. Applicant respectfully requests re-examination and reconsideration of claims 1-23 in view of at least the following amendments and remarks.

I. Examiner's Rejection of Claims 1-23 Under 35 U.S.C. § 103

The Examiner has rejected claims 1-23 under 35 U.S.C. § 103 as being unpatentable over Borman et al. (U.S. Patent No. 5,890,172) in view of Kuzma (U.S. Patent No. 5,781,901). The Examiner states:

> Applicant's primary argument regarding the Borman and Kuzma references is that the combination does not teach "retrieving an attachment from a browsing mechanism and attaching the attachment to an e-mail message". Borman teaches retrieving an attachment from a browser mechanism, using jumper window 300, at Fig. 3. Examiner agrees with applicant that Borman does not particularly teach attaching the attachment to an e-mail message. However, Borman teaches at col. 12, lines 62-64, that in one embodiment the "user will be able to invoke the product from within their electronic e-mail box". Examiner also agrees that Kuzma does not teach a browser mechanism. Rather, the Borman reference was used to teach the browser mechanism, while Kuzma was used to teach attaching an attachment to an e-mail message, at col. 1, lines 53-63, wherein "an attachment reference comprising the network address of the attachment is supplied to the configurable e-mail page". Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to attach the attachment to an e-mail message as taught by Kuzma in the invention of Borman because it allows a user to efficiently transmit e-mail attachments from a sender of a network to a recipient of the network.

Applicant respectfully disagrees, however Applicant has amended claims 1, 7, 12, 17, and 23 to hasten allowance of the present case. Applicant reserves the right to prosecute the former claims in a continuation application.

Applicant submits that claims 1-23, as amended, are allowable for at least the following reasons:

1. Borman and/or Kuzma, alone or in combination do not teach, suggest, or describe selecting a portion of a data resource (e.g. a current or desired data resource).

Independent claims 1, 7, 12, 17, and 23, as amended comprises selecting "a portion" of various types of data resources. For example, the claims recite that a portion of a data resource, a desired data resource, or a current data resource may be selected by a user via a selecting mechanism.

Applicant submits that none of the cited prior art teaches, suggests, or describes these elements. In the Examiner's obviousness rejection of claims 7, 12, 17, and 23, the Examiner relied upon Kuzma to address the claimed steps. Specifically, in the second paragraph on page 1 of Attachment A of the Examiner's Advisory Action, the Examiner asserts that:

> Kuzma was used to teach attaching an attachment to an e-mail message, at col. 1, lines 53-63, wherein "an attachment reference comprising the network address of the attachment is supplied to the configurable e-mail page"

The cited portion of Kuzma describes sending a network address of an attachment in an e-mail. For example, in column 1, lines 61-63, Kuzma describes:

> An attachment reference comprising the network address of the attachment is supplied to the configurable e-mail page.

However, in Kuzma, selecting a portion of a type of data resource for attachment to an e-mail is not accomplished. Applicant respectfully submits that Kuzma teaches away from selecting a portion of a data resource (e.g. desired or current data resource) for attachment to an e-mail because Kuzma teaches attaching an attachment reference for an entire attachment file. For instance, in column 5, lines 3-8, Kuzma states:

> the e-mail message 401 is transmitted along with a relatively small attachment reference 402, instead of actually transmitting the entire attachment file along with e-mail message 401 as is done in prior art e-mail systems. Thus, instead of transmitting the attachment by value, the attachment is transmitted "by reference."

Thus, the goal of Kuzma prohibits selection of a portion of a data resource as an attachment to an e-mail.

On the other hand, Applicant's claim comprises the selection of a portion of a type of data resource for attachment to an e-mail. Therefore, the choosing of a portion of a data resource to be sent as an attachment of the Applicant's invention is distinct from requiring an attachment to be a network address of an entire resource, of Kuzma.

Dependent Claims 2-6, 8-11, 13-16, and 18-22

Applicant respectfully submits that claims 2-6, 8-11, 13-16, and 18-22, being dependent upon respective allowable base claims 1, 7, 12, 17 and 23, are also allowable for at least the foregoing reasons stated above.

CONCLUSION

For at least the foregoing reasons, Applicant respectfully submits that pending claims 1-23 are patentably distinct from the prior art of record and in condition for allowance. Applicant therefore respectfully requests that pending claims 1-23, be allowed.

The Commissioner is hereby authorized to charge any additional fees, or credit any overpayment associated with this communication to The Hecker Law Group, Deposit Account No. 08-1520.

Respectfully submitted,

THE HECKER LAW GROUP

Date: October 25, 2000

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CERTIFICATE OF MAILING
I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on October 25, 2000.

Linda Carroll
Signature

Date: October 25, 2000